



STATE OF WISCONSIN

Senate Journal

Ninety–Third Regular Session

10:00 A.M.

WEDNESDAY, January 21, 1998

The Senate met.

The Senate was called to order by Senator Fred Risser.

The roll was called and the following Senators answered to their names:

Senators Breske, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, A. Lasee, Moen, Moore, Panzer, Plache, C. Potter, Risser, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke, Wirch and Zien – 31.

Absent – Senators Jauch – 1.

The Senate stood for a moment of silent meditation.

The Senate remained standing and Senator Fitzgerald led the Senate in the pledge of allegiance to the flag of the United States of America.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

Senate Bill 412

Relating to: registration requirements for landscape architects.

By Senator Breske; cosponsored by Representatives Musser, Ryba, Grothman and Gronemus.

To committee on **Economic Development, Housing and Government Operations.**

PETITIONS AND COMMUNICATIONS

State of Wisconsin Ethics Board

January 21, 1998

To the Honorable the Senate:

At the direction of s. 13.685(7), *Wisconsin Statutes*, I am furnishing you with the names of organizations recently registered with the Ethics Board that employ one or more individuals to affect state legislation or administrative rules, and notifying you of changes in the Ethics Board's records of licensed lobbyists and their employers. For each recently registered organization I have included the organization's description of the general area of legislative or administrative action that it attempts to influence and the name of each licensed lobbyist that the organization has authorized to act on its behalf.

Organizations recently registered:

Below are the names of organizations recently registered with the Ethics Board as employing one or more individuals to affect state legislation or administrative rules.

Froedtert Memorial Lutheran Hospital

Subject(s): All matters affecting health care.

Hottenroth, Theresa

Leitch, Laura J

Variable Annuity Life Insurance Co (VALIC)

Subject(s): Issues related to variable annuities including defined contribution plans.

Hough, James E

Osborne, Patrick

Organization's authorization of additional lobbyists:

The following organizations previously registered with the Ethics Board have authorized to act on their behalf these additional licensed lobbyists:

Liquid Waste Carriers Assn, Wisconsin

Swandby, Janet

Surgery Center Assn Wisconsin

Leitch, Laura J

UW Students, Inc, United Council of

Grabel, John

Also available from the Wisconsin Ethics Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by the organizations that employ lobbyists.

Sincerely,

R. ROTH JUDD

Executive Director

Senator Chvala, with unanimous consent, asked that the Senate recess until 11:32 A. M.

10:08 A.M.

RECESS

11:32 A. M.

The Senate reconvened.

Senator Risser in the chair.

EXECUTIVE COMMUNICATIONS

Senator Chvala, with unanimous consent, asked that all the appointments be taken up en masse.

CURRAN, DR. MARK J., of Portage, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2001.

Read.

FEITH, SUSAN, of Wisconsin Rapids, as a member of the Chiropractic Examining Board, to serve for the term ending July 1, 2001.

Read.

JOHNSRUD, JACQUELINE A., of Eastman, as a member of the Nursing Board, to serve for the term ending July 1, 2002.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 1; as follows:

Ayes – Senators Breske, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, A. Lasee, Moen, Moore, Panzer, Plache, C. Potter, Risser, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke, Wirch and Zien – 31.

Noes – None.

Absent or not voting – Senator Jauch – 1.

Confirmed.

REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

Senate Clearinghouse Rule 97-079

Relating to inmate mail, property, telephone calls and general provisions of chapter DOC 309.

Submitted by Department of Corrections.

Report received from Agency, January 20, 1998.

Referred to committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs**, January 21, 1998 .

MESSAGES FROM THE ASSEMBLY

By Charles Sanders, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has passed and asks concurrence in:

Assembly Bill 72

Assembly Bill 216

Assembly Bill 493

Assembly Bill 585

Assembly Bill 645

Assembly Bill 696

Amended and concurred in as amended:

Senate Bill 331(Assembly substitute amendment 1 adopted)

MESSAGES FROM THE ASSEMBLY CONSIDERED

Assembly Bill 72

Relating to: the prohibition against underage persons entering or being on any premises operating under an alcohol beverage license.

By Representatives Gunderson, Ainsworth, Dobyms, Ryba, Hahn, Green, Olsen, Jensen, Musser, Duff, Kreuser, Goetsch,

Springer, F. Lasee, Skindrud, Seratti, Owens, Grothman, Plale and Hoven; cosponsored by Senator Decker.

Read first time and referred to committee on **Economic Development, Housing and Government Operations**.

Assembly Bill 216

Relating to: the playing of bingo by persons under the age of 18.

By Representatives Owens, Kreibich, Goetsch, Gronemus, Grothman, Handrick, Lazich, Musser, Plale, Ryba and Skindrud; cosponsored by Senator Buettner.

Read first time and referred to committee on **Economic Development, Housing and Government Operations**.

Assembly Bill 493

Relating to: retail theft.

By Representatives Steinbrink, Porter, Kreuser, Ainsworth, Bock, Brandemuehl, Dobyms, Duff, Green, Gunderson, Jensen, Jeskewitz, Kreibich, Ladwig, J. Lehman, M. Lehman, Musser, Ott, Otte, Plale, Plouff, Powers, Seratti, Sykora, Underheim, Walker, Ziegelbauer and Zukowski; cosponsored by Senators Wirch, C. Potter, Drzewiecki, Huelsman, Roessler, Schultz and Weeden.

Read first time and referred to committee on **Judiciary, Campaign Finance Reform and Consumer Affairs**.

Assembly Bill 585

Relating to: humane officers, the custody and disposition of animals, making an appropriation and providing a penalty.

By Representatives Meyer, Boyle, Gronemus, Brandemuehl, Huber, Ward, Lazich, Gunderson, Vrakas, Plouff, Murat and Musser; cosponsored by Senators Rude, Panzer, Shibilski, Farrow, Schultz and Roessler.

Read first time and referred to committee on **Agriculture and Environmental Resources**.

Assembly Bill 645

Relating to: changes to the probate code.

By Representatives Green and Cullen; cosponsored by Senators Huelsman and George.

Read first time and referred to committee on **Judiciary, Campaign Finance Reform and Consumer Affairs**.

Assembly Bill 696

Relating to: exemption from discipline for dentists who send impressions, measurements or patients to dental laboratories for shade verification.

By Representatives Underheim, Kaufert, Robson, Musser, Hanson, Albers, Wasserman, Johnsrud, Staskunas, Goetsch, J. Lehman, Plouff, Lorge, Jensen, Grothman and F. Lasee; cosponsored by Senators Moen, Rosenzweig and Breske.

Read first time and referred to committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs**.

LEAVES OF ABSENCE

Senator Chvala, with unanimous consent, asked that Senator Jauch be granted a leave of absence for today's session.

**SECOND READING AND AMENDMENTS
OF SENATE JOINT RESOLUTIONS AND
SENATE BILLS**

Senate Joint Resolution 33

Relating to: memorializing the United States Senate to support the admission of Poland to the North Atlantic Treaty Organization.

Read.

Adopted.

Senate Bill 18

Relating to: limiting the property tax exemption for hospitals to exclude health and fitness centers.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 18** be referred to the Joint Committee on **Finance**.

Senator Burke, with unanimous consent, asked that the rules be suspended and that **Senate Bill 18** be withdrawn from the Joint Committee on **Finance** and taken up at this time.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 18

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 1; as follows:

Ayes – Senators Breske, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, A. Lasee, Moen, Moore, Panzer, Plache, C. Potter, Risser, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke, Wirch and Zien – 31.

Noes – None.

Absent or not voting – Senator Jauch – 1.

Passed.

Senate Bill 61

Relating to: creating a property tax exemption for nonprofit organizations that rehabilitate housing for sale to low-income persons.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 61** be referred to the Joint Committee on **Finance**.

Senator Burke, with unanimous consent, asked that the rules be suspended and that **Senate Bill 61** be withdrawn from the Joint Committee on **Finance** and taken up at this time.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 61**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 61

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 1; as follows:

Ayes – Senators Breske, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald,

George, Grobschmidt, Huelsman, A. Lasee, Moen, Moore, Panzer, Plache, C. Potter, Risser, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke, Wirch and Zien – 31.

Noes – None.

Absent or not voting – Senator Jauch – 1.

Passed.

Senate Bill 140

Relating to: access to public records.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 140**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 140

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 30; noes, 1; absent or not voting, 1; as follows:

Ayes – Senators Breske, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, Grobschmidt, Huelsman, A. Lasee, Moen, Moore, Panzer, Plache, C. Potter, Risser, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke, Wirch and Zien – 30.

Noes – Senator George – 1.

Absent or not voting – Senator Jauch – 1.

Passed.

Senate Bill 250

Relating to: uniform fees chargeable for certified duplicate health care records and granting rule-making authority.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 250**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 250

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 23; noes, 8; absent or not voting, 1; as follows:

Ayes – Senators Breske, Burke, Chvala, Clausing, Decker, Ellis, Farrow, George, Grobschmidt, Huelsman, Moen, Moore, Panzer, Plache, C. Potter, Risser, Roessler, Rude, Schultz, Shibilski, Wineke, Wirch and Zien – 23.

Noes – Senators Cowles, Darling, Drzewiecki, Fitzgerald, A. Lasee, Rosenzweig, Weeden and Welch – 8.

Absent or not voting – Senator Jauch – 1.

Passed.

Senate Bill 315

Relating to: eliminating the office of health care information and transferring functions related to collection, analysis and dissemination of health care information to the department of health and family services, confidentiality of patient health care records, granting rule-making authority, providing a penalty and making appropriations.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 315** be referred to the Joint Committee on **Finance**.

Senate Bill 319

Relating to: release of patient health care records to the patient's health care provider.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 319**?

Adopted.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 319

Read a third time and passed.

Senate Bill 333

Relating to: creating a certified capital company program for companies that make certain types of investments, providing tax credits to persons who make certain investments in certified capital corporations, granting rule-making authority and making an appropriation.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 333** be referred to the Joint Committee on **Finance**.

Senate Bill 346

Relating to: various changes to the Minnesota-Wisconsin student reciprocity agreement.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 346** be referred to the Joint Committee on **Finance**.

Senator Burke, with unanimous consent, asked that the rules be suspended and that **Senate Bill 346** be withdrawn from the Joint Committee on **Finance** and taken up at this time.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 346

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 1; as follows:

Ayes – Senators Breske, Burke, Chvala, Clausung, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, A. Lasee, Moen, Moore, Panzer, Plache, C. Potter, Risser, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke, Wirch and Zien – 31.

Noes – None.

Absent or not voting – Senator Jauch – 1.

Passed.

Senator Rude, with unanimous consent, asked to be added as a coauthor of **Senate Bill 346**.

Senate Bill 347

Relating to: the rate for the tax on cider.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 347** be referred to the Joint Committee on **Finance**.

Senator Burke, with unanimous consent, asked that the rules be suspended and that **Senate Bill 347** be withdrawn from the Joint Committee on **Finance** and taken up at this time.

Senate amendment 1 to **Senate Bill 347** offered by Senator Moore.

The question was: Adoption of Senate amendment 1 to **Senate Bill 347**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 347

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 1; as follows:

Ayes – Senators Breske, Burke, Chvala, Clausung, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, A. Lasee, Moen, Moore, Panzer, Plache, C. Potter, Risser, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke, Wirch and Zien – 31.

Noes – None.

Absent or not voting – Senator Jauch – 1.

Passed.

Senate Bill 356

Relating to: the payment of principal and interest for veterans cemeteries and making an appropriation.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 356** be referred to the Joint Committee on **Finance**.

Senate Bill 384

Relating to: special education programs for children with disabilities and granting rule-making authority.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 384**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 384

Read a third time and passed.

Senate Bill 392

Relating to: exemption from discipline for dentists who send impressions, measurements or patients to dental laboratories for shade verification.

Read a second time.

Senator Moen, with unanimous consent, asked that **Assembly Bill 696** be withdrawn from the committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs** and taken up at this time.

Assembly Bill 696

Relating to: exemption from discipline for dentists who send impressions, measurements or patients to dental laboratories for shade verification.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 696

Read a third time and concurred in.

Senator Moen, with unanimous consent, asked that **Senate Bill 392** be laid on the table.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

**SECOND READING AND AMENDMENTS
OF ASSEMBLY JOINT RESOLUTIONS AND
ASSEMBLY BILLS**

Assembly Bill 157

Relating to: prohibiting insurers from requesting genetic test information from health care providers.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 157

Read a third time and concurred in.

Senator Chvala, with unanimous consent, asked that **Assembly Joint Resolution 87** be withdrawn from the committee on **Senate Organization** and taken up at this time.

Assembly Joint Resolution 87

Relating to: declaring April 6 Tartan Day.

The question was: Shall **Assembly Joint Resolution 87** be concurred in?

Concurred in.

Assembly Bill 254

Relating to: promulgation of emergency rules and the extension of emergency rules by the joint committee for review of administrative rules.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 254

Read a third time and concurred in.

Assembly Bill 273

Relating to: the regulation of dental hygienists, creating a dental hygienists affiliated credentialing board, granting rule-making authority and providing penalties.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 273

Read a third time and concurred in.

MOTIONS MAY BE OFFERED

Senator Moore, with unanimous consent, asked to be added as a coauthor of **Senate Bill 78**.

Senator Ellis, with unanimous consent, asked that the journal show he would have voted no on final passage of **Senate Bill 250**.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

ADJOURNMENT

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Thursday, January 22 at 10:00 A.M..

Adjourned.

12:25 P.M.

AMENDMENTS OFFERED

Senate amendment 4 to Senate substitute amendment 1 to **Senate Bill 315** offered by Senator Roessler